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Agenda item 75

Responsibility of States for internationally wrongful acts

Report of the Sixth Committee

Rapporteur: Mrs. Glenna **Cabello de Daboin** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Responsibility of States for internationally wrongful acts" was included in the provisional agenda of the sixty-fifth session of the General Assembly pursuant to its resolution 62/61 of 6 December 2007.

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th, 25th and 27th meetings, on 19 and 29 October and 5 November 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.15, 25 and 27).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies (A/65/76);

(b) Report of the Secretary-General containing comments and information received from Governments (A/65/96 and Add.1).

5. Pursuant to resolution 62/61, the Committee decided, at its 1st meeting, on 4 October 2010, to establish a Working Group on the Responsibility of States for Internationally Wrongful Acts, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine the question of a convention on the topic or other appropriate action on the basis of the articles drafted by the International Law Commission. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency.

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The Working Group, which was chaired by Mr. Reta Alemu Nega (Ethiopia), held one meeting, on 19 October 2010.

6. At the 25th meeting of the Committee, on 29 October, the Chair of the Working Group presented an oral report on the work of the Working Group (see A/C.6/65/SR.25).

II. Consideration of draft resolution A/C.6/65/L.8

7. At the 25th meeting, on 29 October, the representative of Ethiopia, on behalf of the Bureau, introduced the text of a draft resolution entitled "Responsibility of States for internationally wrongful acts" (A/C.6/65/L.8).

8. At its 27th meeting, on 5 November, the Committee adopted draft resolution A/C.6/65/L.8 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts, and its resolutions 59/35 of 2 December 2004 and 62/61 of 6 December 2007 commending the articles to the attention of Governments,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

Taking into account the comments and observations of Governments[1] and the discussions held in the Sixth Committee, at the fifty-sixth, fifty-ninth, sixty-second and sixty-fifth sessions of the General Assembly, on responsibility of States for internationally wrongful acts,

Noting with appreciation the compilation of decisions of international courts, tribunals and other bodies referring to the articles, prepared by the Secretary-General,[2]

1. *Acknowledges* the importance of the articles on responsibility of States for internationally wrongful acts, and commends them once again to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit further written comments on any future action regarding the articles;

3. *Also requests* the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-eighth session;

4. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Responsibility of States for internationally wrongful acts" and to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

[1] See A/62/63 and Add.1 and A/65/96 and Add.1.

[2] See A/62/62 and Corr.1 and Add.1 and A/65/76.